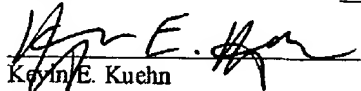


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CENTRAL FAX CENTER****AUG 11 2011****PATENT****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to the Office of Petitions, U.S. Patent and Trademark Office, at fax number 571-273-8300 on August 11, 2011.

  
Kevin E. Kuehn  
Reg. No, 51904

August 11, 2011  
Date

**RECEIVED****AUG 19 2011****OFFICE OF PETITIONS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant[s]: Johannes Martin et al.  
Serial No.: 08/978,839  
Patent No.: 6,067,916  
Filing Date: November 26, 1997  
Examiner: Ljiljana V. Ciric  
Art Unit: 3743  
Title: PROCESS AND DEVICE FOR PRODUCING AND UTILIZING GAS  
FROM WASTE MATERIALS  
Attorney Docket: MTIN-02  
Confirmation No.: 4935

August 11, 2011

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF DECISION REGARDING  
NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

1. This is a request for reconsideration of a decision in a Notice dated July 18, 2011, regarding non-acceptance of a prior deficiency submission made on May 25, 2011, under 37 C.F.R. 1.28. This prior deficiency submission was entitled "NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY (37 C.F.R. §1.28(c))" and is attached hereto as Exhibit A.
2. Patent Owner respectfully requests reconsideration of the prior deficiency submission in Exhibit A.

U.S. Patent No. 6,067,916  
(Serial No. 08/978,839)  
Filing Date: November 26, 1997

3. In the alternative, the prior deficiency submission in Exhibit A is hereby supplemented to replace original paragraph 4 with the following amended paragraph 4. The "Filing Date of Original Paper" for the "7.5 yr. Maintenance Fee" payment was indicated as "8/25/2005" in the prior deficiency submission. However, Patent Owner paid the "7.5 yr Maintenance Fee" on 11/22/2007. Amended paragraph 4 reflects the actual date of payment, i.e. 11/22/2007 with underlining and with the 8/25/2005 stricken out. No other amendments have been made to paragraph 4.

4. (Amended) **Itemization of the Fee(s) Erroneously Paid as a Small Entity**

Filing Date of Original Paper	Type of Fee Paid	Column A Current Fee as a large entity	Column B Amount originally paid	Deficiency Owed (based on current fee amount) Col. A minus Col. B)
11/6/2003	3.5 yr. Maintenance Fee	\$980	\$455	\$525
<u>11/22/2007</u> <del>8/25/2005</del>	7.5 yr. Maintenance Fee	\$2480	\$1180	\$1300
TOTAL				\$1825

In view of the payment of this deficiency per 37 C.F.R. §1.28(c) as set out in Exhibit A, or alternatively as set out above, Patent Owner respectfully requests that the USPTO correct the file to indicate large entity status, and that the erroneous establishment of small entity status be excused.

U.S. Patent No. 6,067,916  
(Serial No. 08/978,839)  
Filing Date: November 26, 1997

If any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: Kevin E. Kuchn  
Kevin E. Kuchn, Reg. No. 51,904

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
Voice: (513) 241-2324  
Facsimile: (513) 241-6234

# Exhibit A

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via EFS-WEB on May 25, 2011.

/Kevin E. Kuehn/

Kevin E. Kuehn

Reg. No. 51904

May 25, 2011

Date

**PATENT****RECEIVED****AUG 19 2011****OFFICE OF PETITIONS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant[s]: Johannes Martin et al.  
Serial No.: 08/978,839  
Patent No.: 6,067,916  
Filing Date: November 26, 1997  
Examiner: Ljiljana V. Ciric  
Art Unit: 3743  
Title: PROCESS AND DEVICE FOR PRODUCING AND UTILIZING GAS  
FROM WASTE MATERIALS  
Attorney Docket: MTIN-01  
Confirmation No.: 4935

May 25, 2011

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 C.F.R. §1.28(c))**

**Erroneous Filing of Small Entity Statement**

1. On August 19, 2003, after issuance of this patent, Patent Owner (the assignee) erroneously filed a small entity assertion for this patent.
2. Patent Owner made this small entity assertion in good faith and paid the small entity fee(s) in good faith.
3. Patent Owner recently learned that its small entity assertion was made in error, although such assertion was made in good faith. More particularly, Patent Owner believed in good faith that it was entitled to assert small entity status, at the time this assertion was made. Patent

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U.S. Patent No. 6,067,916

(Serial No. 08/978,839)

Filing Date: November 26, 1997

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Owner has now learned that it was not so entitled. With this paper, Patent Owner rectifies this situation by identifying and paying the full large entity amounts for the first and second maintenance fees, i.e. the full deficiencies.

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4. Itemization of the Fee(s) Erroneously Paid as a Small Entity

OFFICE OF PETITIONS

Filing Date of Original Paper	Type of Fee Paid	Column A Current Fee as a large entity	Column B Amount originally paid	Deficiency Owed (based on current fee amount) Col. A minus Col. B)
11/6/2003	3.5 yr. Maintenance Fee	\$980	\$455	\$525
8/25/2005	7.5 yr. Maintenance Fee	\$2480	\$1180	\$1300
TOTAL				\$1825

5. Patent Owner respectfully requests that the total deficiency owed, i.e. an amount of \$1,825, be charged to Deposit Account 23-3000.

In view of the payment of this deficiency per 37 C.F.R. §1.28(c), Patent Owner respectfully requests that the USPTO correct the file to indicate large entity status, and that the erroneous establishment of small entity status be excused. If any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: /Kevin E. Kuehn/  
Kevin E. Kuehn, Reg. No. 51,904

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